

REMARKS/ARGUMENTS

Claims 1-5, 7, 9, 11-15, 17, 18 and 21-23 were pending in this application. Claims 18 and 21 have been amended. Claim 22 has been canceled. No claims have been added. Hence, claims 1-5, 7, 9, 11-15, 17, 18, 21, and 23 remain pending. Reconsideration of the subject application as amended is respectfully requested.

Claims 1-5, 7, 9, 11-15, 17, 18 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,397,194 to Houvener, *et al.* (hereinafter "Houvener"), in view of U.S. Patent Publication No. 2001/0029470 to Schultz, *et al.* (hereinafter "Schultz"), and further in view of the cited portions of U.S. Patent No. 6,622,126 to McArdle, *et al.* (hereinafter "McArdle").

Claim 18 has been amended to correct a minor typographical error. Claim 21 has been amended to include the subject matter of claim 22, now canceled. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 103(a)

The Applicant respectfully traverses the rejection of all claims since the office action has not established a *prima facie* case of obviousness. Specifically, the cited references do not teach or suggest all the claim limitations and the office action does not provide a citation in the prior art that teaches or suggests a valid motivation to combine the references.

Claims 1, 18, and 21 stand rejected based on a combination of three references: Houvener, Schultz, and McArdle. As an initial matter, McArdle stands apart from the others as being in an unrelated field -- behavior analysis (Sec, Technical Field), thereby destroying any motivation to combine it with the other references. McArdle appears to teach systems and methods for tracking the buying habits of customers and how the buying habits change over time. This is unrelated to systems and method for providing customers with information about their own buying habits. Hence, only in light of hindsight reasoning provided by the Applicant's teachings would one of ordinary skill in the art be motivated to combine the unrelated references as suggested by the office action, and claims 1, 18, and 21 are believed to be allowable, at least for this reason.

Moreover, the Applicant respectfully traverses the motivation stated in the office action to combine McArdle and Houvener ("it would have helped a business track the buying habits of the great majority of customers"). Even if McArdle could be considered to be in the same area of endeavor as Houvener, which it is not, the motivation to combine stated in the office action has nothing to do with the Applicant's claimed invention. The Applicants claims relate to methods and systems for providing information to consumers about *their own* purchases. This has nothing to do with helping businesses track the buying habits of customers. Hence, the motivation to combine fails, and claims 1, 18, and 21 are believed to be allowable for this additional reason.

Further still, there is no citation provided for the motivation in the prior art. The motivation to combine McArdle with Houvener appears to be based on the Examiners personal knowledge. Hence, the Applicant respectfully traverses the alleged motivation for this additional reason and requests an express showing of documentary proof that the motivation existed at the time of the Applicant's invention.

Claim 1 is believed to be allowable for the additional reason that the cited references do not teach or suggest each and every claim limitation as required for a proper rejection under 35 USC § 103(a). No cited reference teaches "receiving information from the consumer computer that defines at least one category based on product information." McArdle is cited for this teaching. But McArdle has nothing to do with consumer information systems. The user-defined categories referred to in McArdle are: 1) not received from a consumer computer; and 2) are not based on product information. The "user," who defines the product categories, according to the teachings of McArdle, is not a consumer. The user is apparently one studying the behavior of consumers. Further, the product categories taught by McArdle are "defined by the user according to the analysis needed." The product categories are not specifically based on product information as the Applicant claims. Hence, claim 1 is believed to be allowable for this additional reason. Claims 18 and 21 are believed to be allowable for similar additional reasons.

Additionally, all claims are believed to be allowable since the cited references could not be successfully combined to produce a working embodiment of the Applicant's claimed invention. Houvener teaches away from Schultz since Houvener requires paper receipts

(see Houvener, col. 6, ll. 59, 60) and Schultz deals exclusively with electronic environments (see, for example, the Abstract, and paragraphs 3, 10, 29, and 31, among others, of Schultz). There is no receipt generated by Schultz to be scanned by Houvener. Hence, claims 1, 11, 18 and 21 are believed to be allowable, at least for this additional reason.

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the reasons stated above.

CONCLUSION

In view of the foregoing, the Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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